



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Street Closing Report

Meeting Date: March 5, 2012

Reference Name	Street Closing – 1,018 linear feet of Davidson Avenue (SC1100002)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 1,018 linear feet of Davidson Avenue.		
Applicant	Ample Storage – Bailey Bridge Road	Submittal Date	July 18, 2011
Location	Davidson Avenue between Dominion Street and Nome Street.		
Recommendation	Approve permanent closing of the public right-of-way.		

A. Summary

This is a request to permanently close a 1,018 linear foot segment of Davidson Avenue between Dominion Street and Nome Street (See Attachment 1, Context Map). The subject right-of-way currently shows signs of private improvement but has not been accepted for maintenance by the City (see Attachment 2, Aerial Map). The closing will not affect access to any adjacent lots because they are being recombined into a single parcel as reflected on the plat (see Attachment 4, Final Plat Reduction).

No adverse impacts have been identified with the proposed street closing.

B. Site History

Davidson Avenue (formerly Cheek Street and also known as Davidson Street and East Davidson Avenue) was platted in 1946. The large parcel fronting on Davidson Avenue, PIN 0832-11-66-0612, was created with the closure of Foushee Street and Linbergh (also known as Lindberg, Lindbergh, and Linberg) Street in 1995, Street Closing case SC95-03.

Several attempts have been made to develop this Industrial Light (IL)-zoned property but the approvals were never acquired. Zoning map change case Z06-05, from IL to Residential Urban – 5 (RU-5) was denied by City Council in 2006, but the associated Plan Amendment application (case A06-01) was approved to change the future land use map from Industrial to Medium Density Residential (6-12 DU/Ac.). During this application period the US Army Corps of Engineers (Corps) inspected the property on May 8, 2006 to determine that unauthorized fill activity was performed in the wetland area. In a subsequent site visit on July 12, 2006, the Corps determined that the violation was remedied and the site was in compliance with the Clean Water Act. Zoning map change case Z07-37, requesting Residential Urban – 5 with a development plan (RU-5(D)) showing 34 residential units was administratively withdrawn in 2008 due to application inactivity exceeding 90 days. Typically, when a plan amendment is approved the associated zoning case is approved. In this case, the Future Land Use for the site was approved to change from Industrial to Medium-High Density Residential (6-12 DU Ac.) suggesting that City Council would like to see the area develop as residential, however

the residential zoning was never approved. The site is presently zoned IL and may be developed as such.

A single owner, Ample Storage Bailey Bridge Road LLC acquired all the properties fronting on the subject right-of-way, Davidson Avenue, in June and September 2010.

C. Area Characteristics

The area surrounding the right-of-way is zoned Industrial Light (IL); all in the Urban Tier. The area is developed with a variety of uses including well-established single-family neighborhood north of East Club Boulevard and industrial and undeveloped uses generally south of East Club Boulevard. Ellerbe Creek and associated floodplain is located south of the subject property.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Vacant	IL	F/J-B
East	Vacant	IL	F/J-B
South	Vacant	IL	F/J-B
West	Vacant	IL	F/J-B

D. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

E. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

F. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No impact	n/a
County - Engineering	No response	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No response	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a

City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
Police Department	No response	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a

G. Staff Analysis

The area adjacent to the right-of-way is zoned IL and in the Urban Tier.

The proposed street closing plat (Attachment 4, Final Plat Reduction) indicates a recombination of all adjacent parcels for the portion of Davidson Avenue proposed for closure. The plat also shows dedication of easements as requested upon agency review (see table above, Section F).

The plat associated with this request (Attachment 4, Final Plat Reduction) shows two other street closing requests, Dominion Street (SC1100003) and Linbergh Street (SC1100004) that will be considered separately.

H. Recommendation

Approve the permanent closing of 1,018 linear feet of public right-of-way.

I. Staff Contact

Amy Wolff, Senior Planner, 560-4137 ext. 28235 amy.wolff@durhamnc.gov.

J. Attachments

1. Context Map
2. Aerial Map
3. Final Plat Reduction
4. Street Closing Order